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Attorney's Docket No. 006783.P006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

William G. Swinton

Application No.: 09/703,412

Filed: October 31, 2000

For: Photo-Serving Communication
Protocols And Methodology For
Providing Disparate Host Devices With
FTP-Like Access To Digital Images
Residing On A Digital Camera Device

Examiner: Djenane M. Bayard

Art Unit: 2141

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APPELLANT'S BRIEF TRANSMITTAL

Sir:

Enclosed for consideration is Appellant's Appeal Brief pursuant to C.F.R. §1.192 for the above-referenced case. This Brief is submitted in response to the Final Office Action mailed from the Examiner on November 25, 2005.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: May 30, 2006

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.192, Appellants submit in triplicate the following Appeal Brief for consideration by the Board of Patent Appeals and Interferences (hereinafter "Board").

Appellants also submit herewith a check in the amount of \$500.00 to cover the cost of filing this opening brief, as set forth in 37 C.F.R. § 1.17(c). Please charge any additional amounts due or credit any overpayment to Deposit Account No. 02-2666.

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I. REAL PARTY IN INTEREST

LightSurf Technologies, Inc., Santa Cruz, CA, a wholly owned subsidiary of Verisign, Inc. of Mountain View, CA is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-4 and 6-62 are pending in this application. All claims stand rejected. Claims 1-4 and 6-62 are presented for appeal.

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The instant application provides a methodology for dynamic uploading and execution of applications and drivers between devices in an automated manner (Page 7, lines 2-4).

Independent claims 1, 21, 41, and dependent claims 2-4, 6-20, 22-40 and 42-62 are presented in this appeal. The locations of descriptions corresponding to the elements of the claims are identified by page and line numbers of the originally filed application as required by 37 C.F.R. § 41.37(c)(1)(v).

A. Claims 1-4, 6-20

Independent claim 1 recites a method comprising on connection of a digital camera device to a host device (Page 27, line 8), the digital camera device identifying the host device (Page 30, lines 14-24) including communication information (Fig. 4A, 403, Page 34, line 15 – Page 43, line 3, Page 46, lines 17-18), establishing a communication session between the digital camera and the host device based on the communication information (Page 29, lines 25-29, Page 52, lines 15-16), the communication session supporting photo-serving communication protocols

that present the digital camera device as a file server (Page 53, lines 1-13, Page 54, line 14 – Page 58, line 6), and allowing the host device to access digital images residing on the digital camera device as if the digital camera device were the file server (Page 53, lines 14-16).

Dependent claim 2 recites connecting the digital camera device to a particular host device over a wireless communication medium (Page 7, line 17, Page 8, line 25, Page 9, line 26, Page 30, line 16, Page 49, line 13, Page 51, line 5). Dependent claim 3 recites connecting the digital camera device to a particular host device over a wireline communication medium (Page 7, line 17, Page 30 line 16, Page 51, line 5). Dependent claim 4 recites the wireline communication medium includes serial (RS-232) or USB (Universal Serial Bus) connectivity (Page 9, line 26, Page 49, line 13). Dependent claim 6 recites the host device is a handheld computing device (Page 7, lines 14-15, Page 10, line 25, Page 14, line 9, Page 51, line 4). Dependent claim 7 recites the host device is a cellular phone device (Page 7, line 14, Page 14, line 9, Page 21, line 9, Page 42, line 1, Page 51, line 15). Dependent claim 8 recites the host device and the digital camera device support TCP/IP connectivity (Page 8, line 24 – Page 9, line 10, Page 9, line 27 – Page 10, line 1, Page 22, line 5, Page 26, line 10). Dependent claim 9 recites the host device includes facilities for offloading digital images from the digital camera device (Page 56, line 24 – Page 57, line 15). Dependent claim 10 recites the host device includes facilities for manipulating digital images while those digital images reside on the digital camera device (Page 56, line 1 – Page 57, line 27). Dependent claim 11 recites the identifying step occurs immediately upon connection of the digital camera to the host device (Page 10, lines 25-27, Page 51, lines 4-5). Dependent claim 12 recites the identifying steps include probing the host device in a query/response fashion (Page 51, lines 19-20, Page 35, line 20 – Page 36, line 28, Page 40 line 23 – Page 41, line 8). Dependent claim 13 recites the probing step includes referencing a knowledgebase that stores expected response (Page 10, line 18, Page 11, lines 11-25). Dependent claim 14 recites the expected response comprise factory preset values (Page 11, lines 13-14, Page 40, line 28). Dependent claim 15 recites the knowledgebase is stored in a registry of the digital camera device (Page 10, line 18, Page 51, line 10). Dependent claim 16 recites the communication session established between the digital camera device and the host device employs TCP/IP (Page 8, line 24 – Page 9, line 10, Page 9, line 27 – Page 10, line 1, Page 22, line 5, Page 26, line 10). Dependent claim 17 recites the photo-serving communication protocols comprise a photo-specific interface allowing the host device to directly access digital images on

a per-file basis, while those images reside on the digital camera device (Page 56, line 1 – Page 57, line 27). Dependent claim 18 recites the photo-serving communication protocols comprise a command set providing the host device with file-based access and manipulation of digital images residing on the digital camera device (Page 53, line 20 – Page 57, line 27). Dependent claim 19 recites providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the host device (Page 9 lines 5-13). Dependent claim 20 recites the appropriate driver is initially stored on the digital camera device and is injected into the host device upon connection of the two devices (Page 7, lines 23-26, Page 43, lines 13-14).

B. Claims 21-40

Independent claim 21 recites a method for providing a host device access to files residing on a portable device (Page 9, lines 20-21, Page 52, line 28 – Page 53, line 12, Page 68, lines 6-11) includes limitations similar to those of independent claim 1 and dependent claim 19 as summarized above.

Dependent claims 22-24 recite methods with limitations similar to those of dependent claims 2-4 as summarized above. Dependent claim 25 recites a host device comprises a computing device (Page 27, line 6). Dependent claims 26-40 recite methods with limitations similar to those of dependent claims 6-20 as summarized above.

C. Claims 41-62

Independent claim 41 recites a portable device comprising a connection interface for enabling the connection of the portable device to a host device capable of hosting the portable device (Fig. 1A, 110, Page 19, line 23 – Page 20, line 6), an identification module for identifying the host device connected to (Fig. 3, 321, Page 40 line 23 – Page 41, line 8), including determining communication information (Fig. 4A, 403, Page 34, line 15 – Page 43, line 3, Page 46, lines 17-18), and a communication module for establishing a communication session between the portable device and the host device based on the determined communication information (Fig. 3, 325, Page 32, lines 9-10, Fig. 4A, 405, Page 46, line 24), wherein the communication session supports file-serving communication protocols that present the portable device as a file server to the host device (Page 53, lines 1-13, Page 54, line 14 – Page 58, line 6).

Dependent claims 42-44 recite devices with limitations similar to those of dependent claims 2-4 as summarized above. Dependent claim 45 recites a device with limitations similar to those of dependent claim 25 as summarized above. Dependent claims 46-59 recite devices with limitations similar to those of dependent claims 6-19 as summarized above. Dependent claim 60 recites a communication session is initially established by Point-to-Point Protocol, as disclosed in RFC 1661 (Page 42, lines 24-27). Dependent claim 61 recites the file-serving communication protocols include FTP (File Transport Protocol) support (Page 53, lines 5-10). Dependent claim 62 recites a driver injection module for providing host-side support for the file-serving communication protocols if not already present, the driver injection module operating by automatically uploading a driver from the portable device to the host device and invoking execution of the driver in the host device, so that the host device could access files residing on the portable device as if the portable device were a file server (Fig. 3, 311, Page 52, line 28 – Page 53, line 5).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues involved in this Appeal are as follows:

A. Whether claims 1-3, 6, 9-11, 19-22, 26, 31 and 37-40 are unpatentable over U.S. Publication 2002/0171737 to Tullis (hereinafter “Tullis”) in view of U.S. Patent 6,606,669 to Nakagiri (hereinafter “Nakagiri”) and further in view of U.S. Patent No. 6,353,848 to Morris (hereinafter “Morris”)?

B. Whether claims 4, 12 and 17-18 are unpatentable over Tullis in view of Nakagiri and further in view of Morris and U.S. Patent 6,628,325 to Steinberg et al. (hereinafter “Steinberg”)?

C. Whether claims 7-8 and 16 are unpatentable over Tullis in view of Nakagiri and further in view of Morris and U.S. Publication 2003/0142215 to Ward et al. (hereinafter “Ward”)?

D. Whether claims 13-15 are unpatentable over Tullis in view of Nakagiri and further in view of Morris, Steinberg and U.S. Patent 5,737,491 to Allen et al. (hereinafter “Allen”)?

E. Whether claims 23-25, 29-30 and 32 are unpatentable over Tullis in view of Nakagiri and further in view of Morris and Steinberg?

F. Whether claims 27-28 and 36 are unpatentable over Tullis in view of Nakagiri and further in view of Morris and Ward?

G. Whether claims 33-35 are unpatentable over Tullis in view of Nakagiri and further in view of Morris and Allen?

H. Whether claims 41, 43-45, 51, 59 and 62 are unpatentable over U.S. Patent 6,005,613 to Endsley (hereinafter “Endsley”) in view of Nakagiri and further in view of Morris?

I. Whether claims 42, 49-50, 52 and 57-58 are unpatentable over Endsley in view of Nakagiri and further in view of Morris and Steinberg?

J. Whether claim 46 is unpatentable over Endsley in view of Nakagiri and further in view of Morris and U.S. Patent 6,535,243 to Tullis et al. (hereinafter “TullisPatent”)?

K. Whether claims 47-48, 56 and 61 are unpatentable over Endsley in view of Nakagiri and in further view of Morris and Ward?

L. Whether claims 53-55 are unpatentable over Endsley in view of Nakagiri and in further in view of Morris, Steinberg and Allen?

M. Whether claim 60 is unpatentable over Endsley in view of Nakagiri and further in view of Morris and U.S. Patent 6,529,969 to Inoue (hereinafter “Inoue”)?

VII. ARGUMENT

A. Overview of Cited References

1. Overview of Tullis

Tullis teaches a method allowing a hand-held digital camera to access and store large volumes of digital image data utilizing a wireless communication link between a host computer and the camera (Tullis, Abstract). Tullis teaches the host computer stores image data and the image data is displayed by the hand-held camera (Tullis, [0009]). Tullis discloses a camera transceiver associated with the hand-held digital camera (Tullis, [0026]) and a computer transceiver added to the host computer (Tullis, [0028]). The computer transceiver is compatible with the camera transceiver and enables the transfer of electronic data between the hand-held digital camera and the host computer over a communication link that is at least partially a wireless communications link (Tullis, [0028]).

It appears that Tullis assumes the existence of a communication session between the camera transceiver and the computer transceiver. However, nowhere in Tullis is it taught, disclosed or suggested that the digital camera may establish a communication session between the digital camera and a host device based on communication information determined from identifying the host device.

2. Overview of Nakagiri

Nakagiri provides an information processing apparatus constructed by a host computer and a peripheral device connected to the host computer through a bidirectional interface and which inputs and outputs data between the host computer and the peripheral device through a device driver that corresponds to the peripheral device is loaded in the OS of the host computer (Nakagiri, col. 2, lines 24-31). Nakagiri teaches a printer reads out data transmitted through a

bidirectional interface and proceeds by transmitting a printer identification data, transmitting a printer driver, or executing ordinary printing, according to a check made on the data (Nakagiri, col. 5, lines 42-65, Fig. 3). Nakagiri describes the data could be a port identification data request, a printer driver transmission command, or an ordinary print control command (Nakagiri, col. 5, lines 61-65). Nakagiri discloses a relative simple format, like a predetermined escape sequence, is used for the identification data request command (Nakagiri, col. 5, lines 44-53).

In Nakagiri, however, there must be a communication session in existence for the bidirectional interface to work between the host computer and the peripheral device. Thus the identification data is sent after the communication session has already been established. Nakagiri does not teach or suggest establishing a communication session between a digital camera and a host device based on communication information determined from identifying the host device.

3. Overview of Morris

Morris provides an executable program for accessing a digital camera via a communication network using a Web server on a server computer system and a Web browser on a client computer system that are communicatively coupled via the Internet. (Morris, col. 4, lines 44-50). Morris teaches the camera can be communicatively coupled to the server computer system via the Internet using a dial-up connection to ISP via a POTS line (Morris, col. 7, lines 37-40). Morris teaches the camera coupled to the server computer system via communication line of LAN (Morris, col. 8, lines 1-3). Morris teaches the camera coupled to the server computer system via an input/output port (Morris, col. 8, lines 9-11). Morris teaches an executable program running on a web server receives and accepts a connection request from a camera; receives and reads registration information from the camera; and determines if the camera is supported by the server (Morris, Fig. 7, col. 11, lines 15-40). Morris teaches a camera connects to an executable program and transmits identification name and authentication information electronically to the executable program (Morris, col. 15, lines 10-19).

Clearly, Morris assumes the existence of a communication session between the server computer and the camera through a POTS line, LAN, or input/output port. Morris does not discuss the establishing of a communication session between a digital camera and a host device based on communication information determined from identifying the host device.

4. Overview of Steinberg

Steinberg teaches a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer (Steinberg, col. 2, lines 40-42). Steinberg teaches that the device has a network communication port for establishing communication with a network and a camera communication port, such as serial, parallel, SCSI, USB or IrDA-port, for connection to a digital camera (Steinberg, col. 2, lines 42- 48). Steinberg teaches the communication device programmed to query the camera communication port to determine if a camera is connected (Steinberg, col. 10, lines 61-64). Steinberg teaches the communication device sending instructions, including downloading an image data, to a connected camera (Steinberg, col. 11, lines 12-13, Fig. 7). Steinberg teaches the communication device checks the output (network communication) port to determine if a connection is made to a network and if the destination is connected and ready (Steinberg, col. 11, lines 24-29).

Steinberg assumes the existence of a communication session between a network communication port in the communication device and a camera communication port such as serial, parallel, USB or IrDA port. Steinberg also discloses the communication device detecting absence of a communication session. Steinberg does not teach or suggest establishing a communication session between a digital camera and a host device based on communication information determined from identifying the host device.

5. Overview of Ward

Ward teaches steps to transmit images using a network configuration file generated at a host computer and downloaded to a digital camera (Ward, [0004], [0014]). Ward teaches if there is a request to send an image, the user ensures a camera is connected to the appropriate service (wired telephone line, cellular phone, kiosk, etc.) and the camera uses an appropriate network configuration file to establish communications with the service (Ward, [0014], Fig. 2). Ward discloses selecting a service from a menu of online services or names of ISP (Ward, [0015]), such as Cellular, CDPD, Phone, Satellite, Ethernet, Kiosk and ISDN (Ward, Fig. 2). Ward teaches a camera reads connection parameters from a network configuration file, dial a phone and establishes a connection to a service; transmits the user's account name and password to the service; and transmits images to the destination service using FTP (Ward, [0016]-[0018]).

Clearly, a camera in Ward establishes a connection with a service using a network configuration file before transmitting images through the connection. Ward does not teach or suggest establishing a communication session between a digital camera and a host device based on communication information determined from identifying the host device.

6. Overview of Allen

Allen teaches a system for digital images capture and transmission, including a digital camera, a transceiver in the digital camera for transmitting a digital image file to a remote image fulfillment server, the digital image file having associated information for controlling the image fulfillment server. The image fulfillment server includes a transceiver for receiving the digital image file and control signals (Allen, col. 1, lines 35-52, Fig. 1). Allen teaches the fulfillment server reads the image file header including I.D. of the camera, command flags and the digital voice data. Command flags that are set indicate effects of action (Allen, col. 4, lines 55-60). Allen teaches the digitized voice data stored in the file header is recognized by comparing to a text code book, and when a match is made, the commands are executed (Allen, col. 5, lines 14-17).

Allen assumes the existence of a communication session between the transceiver in the digital camera and the transceiver in the fulfillment server before reading the image file header, command flags and the digital voice data. Allen does not teach or suggest establishing a communication session between a digital camera and a host device based on communication information determined from identifying the host device.

7. Overview of TullisPatent

TullisPatent has the same disclosure as Tullis discussed above. Hence, the overview of TullisPatent is identical to the overview provided above for Tullis.

8. Overview of Endsley

Endsley teaches a digital camera connected to a host computer via a USB digital host interface (Endsley, col. 3, lines 8-9, Fig. 1). Endsley teaches the USB hardware and software provide communication between the host and the camera through USB data transfer model (Endsley, col. 4, lines 20-23, col. 4, lines 64-66).

Apparently, Endsley relies on USB digital host interface to establish a communication session between a digital camera and a host computer. Endsley does not teach or suggest establishing a communication session between a digital camera and a host device based on communication information determined from identifying the host device.

9. Overview of Inoue

Inoue provides a reception apparatus and a reception method by which selection of an audio source through an IEEE 1394 bus can be performed by simple and plain operation (Inoue, col. 2, lines 46-50). Inoue teaches a point to point-connection as a form of connection wherein a relationship between a transmission apparatus and a reception apparatus is specified as a plug and data transmission is performed between the transmission apparatus and the reception apparatus using a common channel (Inoue, col. 17, lines 8-12). Inoue also teaches the plug connection is established with a Plug control Register provided in an address space in the apparatus (Inoue, col. 17, lines 32-34).

Clearly, the point-to-point connection in Inoue does not describe the Point-to-Point Protocol as specified in RFC 1661. Rather, it is one of two connection forms of the IEEE 1394 by a plug (Inoue, col. 17, 5-7). Further, in Inoue, a connection has already been established through IEEE 1394. Therefore, Inoue does not teach or suggest establishing a communication session between a digital camera and a host device based on determined communication information from identifying a particular host device.

B. Claims 1-3, 6, 9-11, 19-22, 26, 31 and 37-40 Are Not Obvious Over References Tullis, Nakagiri and Morris Because the References in Combination Fail to Teach or Suggest Establishing A Communication Session Based on the Determined Communication Information

1. The Proposed Modification of Tullis Is Not Proper

To establish a prima facie case of obviousness, the Examiner must show there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Regarding Tullis/Nakagiri/Morris combination, Appellants respectfully submit that the combination suggested by the Examiner is not proper. In particular, the combination would render Tullis not suitable for its original purpose and would change the principle of operation of the prior art invention being modified (MPEP 2143.01).

Tullis specifically teaches away from “establishing a communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device” by stating that “the camera can display previously captured images by accessing image data that is stored in the host computer. For example, the hand-held digital camera can access and display an image that was captured the previous day, since the data is stored in the host computer (Tullis, [0011], emphasis added). Thus, since the data is stored in the host computer in the system of Tullis, the camera device cannot act as a file server, because there is no data for it to serve.

Modifying Tullis in order to incorporate a file server would render Tullis not suitable for its original purpose, and would change the principle of operation of Tullis. The focus of Tullis, the principle of operation, is to store the data on the host system, and thus remove the need to store data on the digital camera. Changing Tullis to having a digital camera that acts as a file server for the host system would fundamentally alter the principle of operation of Tullis.

Moreover, the Examiner in the Final Office Action states that “Tullis does not teach away from characterizing a digital camera as a device with inherent space limitations for storing frames of digital images, since Tullis teaches that the camera memory can be used to buffer digital image data before the digital data is displayed and/or processed and the memory of the camera may be augmented”. It appears that the Examiner alleges a device has no inherent space limitation if its memory could be augmented. Appellants respectfully disagree.

On the contrary, although Tullis states that “built-in digital camera may be augmented by removable memory” (Tullis, [0021]), Tullis also discloses that “memory cards themselves have limited storage capacity” (Tullis, [0005]). Tullis further points out that an advantage of the hand-held digital camera taught in Tullis is that “the camera does not require removable memory cards” (Tullis, [0013]). Thus Tullis clearly characterizes a digital camera as a device with inherent space limitations, even if its memory can be augmented.

As such, Appellants respectfully submit that Tullis cannot be logically combined with Morris and Nakagiri, to include the functionality of a file server into the camera of Tullis.

Appellants respectfully submit that the combination is improper, and the claims cannot be rejected over Tullis in combination with Nakagiri and Morris. Appellants therefore respectfully request this rejection be reversed.

2. The References, Even If Combined, Do Not Teach or Suggest Establishing A Communication Session Based on the Determined Communication Information

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each element of a claim.

In regards to claim 1, Appellants respectfully submit that claim 1 is separately patentable over Tullis in view of Nakagiri and further in view of Morris for at least the reason that Tullis, Nakagiri or Morris, alone or in combination, does not teach or suggest the element of the digital camera “**based on said determined communication information**, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.” It is respectfully submitted that none of the cited references teach or suggest this limitation.

In particular, in Tullis, the computer transceiver enabling the transfer of electronic data between a digital camera and a host computer over a communication link is stated to be compatible with the camera transceiver (Tullis, [0028]). In Morris, an executable program is configured to listen for connection request on protocols like TCP, NetBIOS, etc., a camera opens a connection to a communication network, and the executable program receives and accepts a request for a connection from the camera (Morris, col. 11, lines 15-20, col. 14, lines 54-55). Also, in Nakagiri, the printer device is stated to be connected through bidirectional interface with the host computer (Nakagiri, Abstract). The cited references are completely silent about determining communication information.

Office Action of May, 31, 2005, asserts “it is inherent that there is a communication protocol between the digital camera and the host device in order to communicate with each other” referring the following passage in Morris (Office Action, page 4):

“... the present invention provides a method for making a digital camera and its internally stored data remotely accessible. The present invention enables the digital camera to be set to continuously take pictures of scenes and items of interest and to allow a user to access those pictures at any time. The present invention implements

remote accessibility via a communication network such as the Internet, thus allowing the user to access the digital camera from virtually an unlimited number of locations and with the camera in virtually any location.”
(Morris, col. 23, line 67 – col. 24, line 9)

However, as is evident from the quoted text above, Morris fails to disclose or suggest the above noted limitations. Specifically, for example, the phrase “based on said determined communication information” makes no sense in the context of the cited passage for at least the reason that there is no mention of determining communication information.

The Examiner in the Final Office Action states that “it is well known in the art that in order to establish a communication session between two devices a communication protocol is needed. It would have been obvious to one with ordinary skill in the art that it is inherent to have a communication protocol between two devices in order for the digital camera to transfer images to the host”.

However, Appellants respectfully submit that the digital camera determining communication information is not inherent, nor necessary in most systems. As noted in Tullis, to communicate between each other, the digital camera and the host computer are disclosed to have compatible transceivers in a communication network, such as Internet or LAN. In Morris, as another example, in a standard communication session, an executable program residing on the host device implements and manages the connection between the host and the digital camera. Also noted in Nakagiri, communication link is ensured with a bidirectional connection. Indeed, determining communication information is not needed in establishing standard communication session through commonly used network protocol stacks well known in the art. In contrast, in accordance with claim 1 of the present invention, the digital camera system “determining communication information allowing communication between the digital camera device and the particular host device” and “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

Therefore, since the references alone or in combination do not teach or suggest “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting

photo-serving communication protocols that present the digital camera device as a file server to the host device,” Appellants respectfully request this rejection be overturned.

Accordingly, not only do Tullis, Nakagiri and Morris not disclose, individually or in combination, all limitations of claim 1, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such a combination still lacks the limitations set forth above.

Therefore, Appellants respectfully submit that claim 1 and its dependent claims patentable in view of Tullis, Nakagiri and Morris.

Claim 21 recites in part “ based on said determined communication information ... establishing a communication session between the portable device and the particular host device,” and therefore claim 21 and its dependent claims are patentable in view of Tullis, Nakagiri and Morris for at least the reasons articulated with respect to claim 1.

Given that claims 2-3, 6, 9-11, and 19-20 depend from claim 1, claims 22, 26, 31, and 37-40 depend from claim 21, Appellants respectfully submit that claims 2-3, 6, 9-11, 19-20, 22, 26, 31 and 37-40 are patentable over the cited references.

Accordingly, Appellants respectfully request reconsideration and rejection of claims 1-3, 6, 9-11, 19-22, 26, 31, and 37-40 be overturned.

3. The Addition of Steinberg to the References Does Not Make Claims 4, 12, 17-18, 23-25, 29-30 and 32 Obvious

Claims 4, 12 and 17-18 depend from claim 1 and incorporate the limitations thereof. Claims 23-25, 29-30 and 32 depend from claim 21 and incorporate the limitations thereof. As discussed above, Tullis in view of Nakagiri and in further view of Morris do not teach or suggest at least the elements of “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

Steinberg teaches a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer. In Steinberg, a communication session is assumed to have been established between a network communication port in the communication device and a camera communication port such as serial, parallel, USB

or IrDA port. Steinberg discloses the communication device detecting absence of a communication session. However, Steinberg fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Steinberg curing the deficiencies of Tullis, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Tullis in view of Nakagiri and in further view of Morris and Steinberg fails to teach or suggest all the elements of claim 1 and claim 21, claims 4, 12, 17-18, 23-25, 29-30 and 32 are separately patentable over Tullis in view of Nakagiri and further in view of Morris and Steinberg.

Accordingly, for at least these additional reasons, claims 4, 12, 17-18, 23-25, 29-30 and 32 are separately patentable over Tullis in view of Nakagiri and in further view of Morris and Steinberg. Appellants respectfully request reconsideration and that the rejection of claims 4, 12, 17-18, 23-25, 29-30 and 32 be overturned.

4. The Addition of Ward to the References Does Not Make Claims 7-8, 16 27-28 and 36 Obvious

Claims 7-8 and 16 depend from claim 1 and incorporate the limitations thereof. Claims 27-28 and 36 depend from claim 21 and incorporate the limitations thereof. As discussed above, Tullis in view of Nakagiri and in further view of Morris do not teach or suggest at least the elements of “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

Ward teaches steps to transmit images using a network configuration file generated at a host computer and downloaded to a digital camera. A camera in Ward establishes a connection with a service using a network configuration file before transmitting images through the connection. However, Ward fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Ward curing the deficiencies of Tullis, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Tullis in view of Nakagiri and in further view of

Morris and Ward fails to teach or suggest all the elements of claim 1, claims 7-8, 16, 27-28 and 36 are separately patentable over Tullis in view of Nakagiri and further in view of Morris and Ward.

Accordingly, for at least these additional reasons, claims 7-8, 16, 27-28 and 36 are separately patentable over Tullis in view of Nakagiri and in further view of Morris and Ward. Appellants respectfully request reconsideration and that the rejection of claims 7-8, 16, 27-28 and 36 be overturned.

5. The Addition of Steinberg and Ward to the References Does Not Make Claims 13-15 Obvious

Claims 13-15 depend from claim 1 and incorporate the limitations thereof. As discussed above in the traversal of claim 1 as being obvious over Tullis in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

Steinberg teaches a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer. In Steinberg, a communication session is assumed to have been established between a network communication port in the communication device and a camera communication port such as serial, parallel, USB or IrDA port. Steinberg discloses the communication device detecting absence of a communication session. However, Steinberg fails to teach or suggest establishing a communication session based on the determined communication information.

Ward, on the other hand, teaches steps to transmit images using a network configuration file generated at a host computer and downloaded to a digital camera. A camera in Ward establishes a connection with a service using a network configuration file before transmitting images through the connection. However, Ward fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Ward and Steinberg curing the deficiencies of Tullis, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Tullis in view of Nakagiri and in further view of Morris, Steinberg and Ward fails to teach or suggest all the elements of claim 1, claims 13-15 are separately patentable over Tullis in view of Nakagiri and further in view of Morris, Steinberg and Ward.

Accordingly, for at least these additional reasons, claims 13-15 are separately patentable over Tullis in view of Nakagiri and in further view of Morris, Steinberg and Ward. Appellants respectfully request reconsideration and that the rejection of claims 13-15 be overturned.

6. The Addition of Allen to the References Does Not Make Claims 33-35 Obvious

Claims 33-35 depend from claim 21 and incorporate the limitations thereof. As discussed above in the traversal of claim 21 as being obvious over Tullis in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

Allen teaches a system for digital images capture and transmission, including a digital camera, a transceiver in the digital camera for transmitting a digital image file to a remote image fulfillment server, the digital image file having associated information for controlling the image fulfillment server. In Allen, the communication session between the transceiver in the digital camera and the transceiver in the fulfillment server is assumed to have been established before reading the image file header, command flags and the digital voice data. However, Allen fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Allen curing the deficiencies of Tullis, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Tullis in view of Nakagiri and in further view of

Morris and Allen fails to teach or suggest all the elements of claim 21, claims 33-35 are separately patentable over Tullis in view of Nakagiri and further in view of Morris and Allen.

Furthermore, Appellants respectfully submit that there is no suggestion within the references themselves for the combination suggested by the Examiner. Since Tullis specifically teaches away from such a combination, as previously discussed, by providing a camera device that does not store its own data, therefore ensuring that the camera does not act as a file server, there is no motivation to include the use of a host server to Tullis.

Accordingly, for at least these additional reasons, claims 33-35 are separately patentable over Tullis in view of Nakagiri and in further view of Morris and Allen. Appellants respectfully request reconsideration and that the rejection of claims 33-35 be overturned.

C. Claims 41, 43-45, 51, 59 and 62 Are Not Obvious Over References Endsley, Nakagiri and Morris Because the References in Combination Fail to Teach or Suggest A Communication Module for Establishing A Communication Session Based on the Determined Communication Information

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each element of a claim.

In regards to claim 41, Appellants respectfully submit that claim 41 is patentable over Endsley in view of Nakagiri and further in view of Morris. Endsley, Nakagiri or Morris, alone or in combination, do not teach or suggest the element of “a communication module for establishing, based on said determined communication information, a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.” It is respectfully submitted that none of the cited references teach or suggest this limitation.

In particular, as noted correctly by the Examiner, Endsley fails to teach “a communication module for establishing a communication session between the portable device and the particular host device.” Thus, Endsley also fails to teach “a communication module for establishing, based on said determined communication information, a communication session between the portable device and the particular host device,” as recited by claim 41.

As discussed above, Morris teaches an executable program configured to listen for connection request on protocols like TCP, NetBIOS, etc., a camera opening a connection to a communication network, and the executable program receiving and accepting a request for a connection from the camera (Morris, col. 11, lines 15-20, col. 14, lines 54-55). Nakagiri discloses a printer device connected through bidirectional interface with the host computer (Nakagiri, Abstract). However, both Morris and Nakagiri are completely silent about determining communication information.

Therefore, claim 41 and dependent claims 43-45, 51, 59 and 62 are patentable over Endsley in view of Nakagiri and further in view of Morris. Appellants respectfully request reconsideration and that the rejection of claims 41, 43-45, 51, 59 and 62 be reversed.

1. The Addition of Steinberg to the References Does Not Make Claims 42, 49-50, 52 and 57-58 Obvious

Claims 42, 49-50, 52 and 57-58 depend from claim 41 and incorporate the limitations thereof. As discussed above in the traversal of claim 41 as being obvious over Endsley in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “a communication module for establishing, based on said determined communication information, a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

As discussed above, Steinberg teaches a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer. However, Steinberg fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Steinberg curing the deficiencies of Endsley, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Endsley in view of Nakagiri and in further view of Morris and Steinberg fails to teach or suggest all the elements of claim 41, claims 42, 49-50, 52 and 57-58 are separately patentable over Endsley in view of Nakagiri and further in view of Morris and Steinberg. Appellants respectfully request reconsideration and that the rejection of claims 42, 49-50, 52 and 57-58 be overturned.

2. The Addition of Tullis to the References Does Not Make Claim 46 Obvious

Claims 46 depend from claim 41 and incorporate the limitations thereof. As discussed above in the traversal of claim 41 as being obvious over Endsley in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “a communication module for establishing, based on said determined communication information, a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

As discussed above, Tullis teaches a method allowing a hand-held digital camera to access and store large volumes of digital image data utilizing a wireless communication link between a host computer and the camera. However, Tullis fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Tullis curing the deficiencies of Endsley, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Endsley in view of Nakagiri and in further view of Morris and Tullis fails to teach or suggest all the elements of claim 41, claim 46 is separately patentable over Endsley in view of Nakagiri and further in view of Morris and Tullis. Appellants respectfully request reconsideration and that the rejection of claim 46 be overturned.

3. The Addition of Ward to the References Does Not Make Claim 47-48, 56 and 61 Obvious

Claims 47-48, 56 and 61 depend from claim 41 and incorporate the limitations thereof. As discussed above in the traversal of claim 41 as being obvious over Endsley in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “a communication module for establishing, based on said determined communication information, a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

As discussed above, Ward teaches steps to transmit images using a network configuration file generated at a host computer and downloaded to a digital camera. However, Ward fails to

teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Ward curing the deficiencies of Endsley, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Endsley in view of Nakagiri and in further view of Morris and Ward fails to teach or suggest all the elements of claim 41, claims 47-48, 56 and 61 are separately patentable over Endsley in view of Nakagiri and further in view of Morris and Ward. Appellants respectfully request reconsideration and that the rejection of claims 47-48, 56 and 61 be overturned.

4. The Addition of Steinberg and Allen to the References Does Not Make Claims 53-55 Obvious

Claims 53-55 depend from claim 41 and incorporate the limitations thereof. As discussed above in the traversal of claim 41 as being obvious over Endsley in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “a communication module for establishing, based on said determined communication information, a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

As discussed above, Steinberg teaches a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer. Allen, on the other hand, teaches a system for digital images capture and transmission, including a digital camera, a transceiver in the digital camera for transmitting a digital image file to a remote image fulfillment server, the digital image file having associated information for controlling the image fulfillment server. However, both Steinberg and Allen fail to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Steinberg and Allen curing the deficiencies of Endsley, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Endsley in view of Nakagiri and in further view of Morris, Steinberg and Allen fails to teach or suggest all the elements of claim 41, claims

53-55 are separately patentable over Endsley in view of Nakagiri and further in view of Morris Steinberg and Allen. Appellants respectfully request reconsideration and that the rejection of claims 53-55 be overturned.

5. The Addition of Inoue to the References Does Not Make Claim 60 Obvious

Claim 60 depends from claim 41 and incorporate the limitations thereof. As discussed above in the traversal of claim 41 as being obvious over Endsley in view of Nakagiri and in further view of Morris, the references may not be relied upon to teach at least the elements of “a communication module for establishing, based on said determined communication information, a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.”

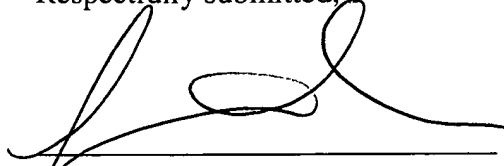
Inoue teaches a point to point-connection as a from of connection wherein a relationship between a transmission apparatus and a reception apparatus is specified as a plug and data transmission is performed between the transmission apparatus and the reception apparatus using a common channel. In Inoue, the connection is assumed to have already been established through IEEE 1394. However, Inoue fails to teach or suggest establishing a communication session based on the determined communication information.

As such, the Examiner has not set forth, and Appellants are unable to discern a portion of Inoue curing the deficiencies of Endsley, Nakagiri and Morris with respect to at least these elements. Thus, for at least the reason that Endsley in view of Nakagiri and in further view of Morris and Inoue fails to teach or suggest all the elements of claim 41, claim 60 is separately patentable over Endsley in view of Nakagiri and further in view of Morris and Inoue. Appellants respectfully request reconsideration and that the rejection of claim 60 be overturned.

VIII. CONCLUSION

Based on the foregoing, Appellants respectfully submit that the Board should reverse the rejection of all pending claims and hold that all of the claims currently under review are allowable.

Respectfully submitted,



Judith A. Szepesi, Reg. No. 39.393

Dated: May 30, 2006

IX. CLAIMS APPENDIX

The claims involved in this appeal are presented below.

1. (Previously Presented) A method for providing a variety of disparate host devices access to digital images residing on a digital camera device, the method comprising upon connection of the digital camera device to a particular host device that is capable of hosting digital camera devices, the digital camera device:

automatically identifying the particular host device that the digital camera device is currently connected to, including determining communication information allowing communication between the digital camera device and the particular host device;

based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device; and

through said photo-serving communication protocols, allowing the host device to access digital images residing on the digital camera device, as if the digital camera device were the file server.

2. (Original) The method of claim 1, wherein said connecting step includes:
connecting the digital camera device to a particular host device over a wireless communication medium.

3. (Original) The method of claim 1, wherein said connecting step includes:

connecting the digital camera device to a particular host device over a wireline communication medium.

4. (Original) The method of claim 3, wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity.

5. (Canceled)

6. (Original) The method of claim 1, wherein said particular host device comprises a handheld computing device.

7. (Original) The method of claim 1, wherein said particular host device comprises a cellular phone device.

8. (Original) The method of claim 1, wherein said particular host device and said digital camera device support TCP/IP connectivity.

9. (Original) The method of claim 1, wherein said particular host device includes facilities for offloading digital images from said digital camera device.

10. (Original) The method of claim 1, wherein said particular host device includes facilities for manipulating digital images, while those digital images reside on said digital camera device.

11. (Original) The method of claim 1, wherein said identifying step occurs immediately upon connection of the digital camera to the particular host device.

12. (Original) The method of claim 1, wherein said identifying step includes:
probing the particular host device in a query/response fashion, for identifying the particular host device.

13. (Original) The method of claim 12, wherein said probing step includes:
referencing a knowledgebase that stores expected responses, for identifying the particular host device.

14. (Original) The method of claim 13, wherein said expected responses comprise factory preset values.

15. (Original) The method of claim 13, wherein said knowledgebase is stored in a registry of the digital camera device.

16. (Original) The method of claim 1, wherein said communication session established between the digital camera device and the particular host device employs TCP/IP.

17. (Original) The method claim 1, wherein said photo-serving communication protocols comprise a photo-specific interface allowing the particular host device to directly access digital images on a per-file basis, while those images reside on the digital camera device.

18. (Original) The method of claim 1, wherein said photo-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of digital images residing on the digital camera device.

19. (Original) The method of claim 1, further comprising:
providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device.

20. (Original) The method of claim 19, wherein the appropriate driver is initially stored on said digital camera device and is injected into the particular host device upon connection of the two devices together.

21. (Previously Presented) A method for providing a variety of disparate host devices access to files residing on a portable device, upon the portable device's connection to one of the host devices, the method comprising:

automatically identifying the particular host device that the portable device is connected to, including determining communication information allowing communication between the portable device and the particular host device; and

based on said determined communication information:

(1) establishing a communication session between the portable device and the particular host device, said communication session supporting file-serving communication protocols that present the portable device as a file server to the host device; and

(2) if needed by the host for supporting said file-serving communication protocols, automatically uploading a driver from the portable device to the particular host device and thereafter invoking execution of the driver at the particular host device, for providing host-side support for said file-serving communication protocols.

22. (Original) The method of claim 21, wherein said connecting step includes:
connecting the portable device to a particular host device over a wireless communication medium.

23. (Original) The method of claim 21, wherein said connecting step includes:
connecting the portable device to a particular host device over a wireline communication medium.

24. (Original) The method of claim 23, wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity.

25. (Original) The method of claim 21, wherein said particular host device comprises a computing device.

26. (Original) The method of claim 21, wherein said particular host device comprises a handheld computing device.

27. (Original) The method of claim 21, wherein said particular host device comprises a cellular phone device.

28. (Original) The method of claim 21, wherein said particular host device and said portable device support TCP/IP connectivity.

29. (Original) The method of claim 21, wherein said particular host device includes facilities for offloading files from said portable device.

30. (Original) The method of claim 21, wherein said particular host device includes facilities for manipulating files, while those files reside on said portable device.

31. (Original) The method of claim 21, wherein said identifying step occurs immediately upon connection of the portable device to the particular host device.

32. (Original) The method of claim 21, wherein said identifying step includes:
probing the particular host device in a query/response fashion, for identifying the particular host device.

33. (Original) The method of claim 32, wherein said probing step includes:

referencing a knowledgebase that stores expected responses, for identifying the particular host device.

34. (Original) The method of claim 33, wherein said expected responses comprise factory preset values.

35. (Original) The method of claim 33, wherein said knowledgebase is stored in a registry of the portable device.

36. (Original) The method of claim 21, wherein said communication session established between the portable device and the particular host device employs TCP/IP.

37. (Original) The method claim 21, wherein said file-serving communication protocols comprise a file-specific interface allowing the particular host device to directly access files, while those files reside on the portable device.

38. (Original) The method of claim 21, wherein said file-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of files residing on the portable device.

39. (Original) The method of claim 21, further comprising:
providing host-side support for the file-serving communication protocols by injecting an appropriate driver into the particular host device.

40. (Original) The method of claim 39, wherein the appropriate driver is initially stored on said portable device and is injected into the particular host device upon connection of the two devices together.

41. (Previously Presented) A portable device allowing a variety of disparate host devices access to files residing on the portable device, upon the portable device's connection to one of the host devices, the portable device comprising:

a connection interface for enabling the connection of the portable device to a particular host device that is capable of hosting the portable device;

an identification module for automatically identifying the particular host device that the portable device is connected to, including determining communication information allowing communication between the portable device and the particular host device;

a communication module for establishing, based on said determined communication information, a communication session between the portable device and the particular host device, wherein said communication session supports file-serving communication protocols that present the portable device as a file server to the host device.

42. (Original) The device of claim 41, wherein said connection interface supports connecting the portable device to a particular host device over a wireless communication medium.

43. (Original) The device of claim 41, wherein said connection interface supports connecting the portable device to a particular host device over a wireline communication medium.

44. (Original) The device of claim 43, wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity.

45. (Original) The device of claim 41, wherein said particular host device comprises a computing device.

46. (Original) The device of claim 41, wherein said particular host device comprises a handheld computing device.

47. (Original) The device of claim 41, wherein said particular host device comprises a cellular phone device.

48. (Original) The device of claim 41, wherein said particular host device and said portable device support TCP/IP connectivity.

49. (Original) The device of claim 41, wherein said particular host device includes facilities for offloading files from said portable device.

50. (Original) The device of claim 41, wherein said particular host device includes facilities for manipulating files, while those files reside on said portable device.

51. (Original) The device of claim 41, wherein said identification module operates to identify the particular host device immediately upon connection of the portable device to the particular host device.

52. (Original) The device of claim 41, wherein said identification module probes the particular host device in a query/response fashion, for identifying the particular host device.

53. (Original) The device of claim 52, wherein said identification module references a knowledgebase that stores expected responses, for identifying the particular host device.

54. (Original) The device of claim 53, wherein said expected responses comprise factory preset values.

55. (Original) The device of claim 33, wherein said knowledgebase is stored in a registry of the portable device.

56. (Original) The device of claim 41, wherein said communication session established between the portable device and the particular host device employs TCP/IP.

57. (Original) The device claim 41, wherein said file-serving communication protocols comprise a file-specific interface allowing the particular host device to directly access files, while those files reside on the portable device.

58. (Original) The device of claim 41, wherein said file-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of files residing on the portable device.

59. (Original) The device of claim 41, wherein the driver injection module stores an appropriate driver initially on said portable device, wherein the driver is injected into the particular host device upon connection of the two devices together.

60. (Original) The device of claim 41, wherein the communication session is initially established using Point-to-Point protocol.

61. (Original) The device of claim 41, wherein said file-serving communication protocols include FTP (File Transport Protocol) support.

62. (Previously Presented) The device of claim 41, further comprising:
a driver injection module for providing host-side support for said file-serving communication protocols if not already present, said driver injection module operating by automatically uploading a driver from the portable device to the particular host device and

thereafter invoking execution of the driver at the particular host device, so that the host device may access files residing on the portable device, as if the portable device were a file server

X. EVIDENCE APPENDIX

No other evidence is submitted in connection with this appeal.

XI. RELATED PROCEEDINGS APPENDIX

No related proceedings exist.